

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, ) CASE NO. CR07-312-TSZ  
12 v. )  
13 RUSTY BOSCHEE, ) DETENTION ORDER  
14 Defendant. )

**Offenses charged:**

Count I: Conspiracy to Distribute Marijuana, in violation of Title 21, U.S.C., Section 841(a)(1), 841(b)(1)(A) and 846.

Criminal Forfeiture Allegations, in violation of Title 21, U.S.C., Section 853(p).

Date of Detention Hearing: October 12, 2007

The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Adam Cornell. The defendant was represented by Richard Troberman and James Bustamante. The Government

## DETENTION ORDER

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1 moved for detention to which the defendant waived the question of detention at this time.

2 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

3 (1) There is probable cause to believe the defendant committed the drug  
4 offenses of conspiracy to distribute marijuana. The maximum penalty is  
5 in excess of ten years. There is therefore a rebuttable presumption  
6 against the defendant's release based upon both dangerousness and flight  
7 risk, under Title 18 U.S.C. § 3142(e).

8 (2) The defendant is viewed as a risk of nonappearance because he has no  
9 ties to the Western District of Washington, he had been living in Costa  
10 Rica and has an unstable employment history as reported by U.S. Pretrial  
11 Services. At his initial appearance in the Central District of California  
12 before the Honorable Margaret A. Nagle he was ordered detained before  
13 transfer to this district.

14 Based upon the foregoing information, which is also consistent with the  
15 recommendation of detention by U.S. Pre-trial Services, it appears that there is no  
16 condition or combination of conditions that would reasonably assure future Court  
17 appearances and/or the safety of other persons or the community.

18 **It is therefore ORDERED:**

19 (1) The defendant shall be detained pending trial and committed to the  
20 custody of the Attorney General for confinement in a correction facility  
21 separate, to the extent practicable, from persons awaiting or serving  
22 sentences or being held in custody pending appeal;

23 (2) The defendant shall be afforded reasonable opportunity for private  
24 consultation with counsel;

25 (3) On order of a court of the United States or on request of an attorney for  
26 the Government, the person in charge of the corrections facility in which

1 the defendant is confined shall deliver the defendant to a United States  
2 Marshal for the purpose of an appearance in connection with a court  
3 proceeding; and

4 (4) The clerk shall direct copies of this order to counsel for the United  
5 States, to counsel for the defendant, to the United States Marshal, and to  
6 the United States Pretrial Services Officer.

7 DATED this 16<sup>th</sup> day of October, 2007.

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10 U.S. Magistrate Judge, Monica J. Benton  
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